

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DARYL K. WASHINGTON and
SUNDAY PLAYERS, INC.,

Plaintiffs,

- against -

KELLWOOD COMPANY,

Defendant.
-----X

05 Civ. 10034 (DAB)

ANSWER TO CORRECTED
SECOND AMENDED
COMPLAINT

Defendant, Kellwood Company, by its attorneys, Sills Cummis & Gross P.C., as and for its answer to Plaintiffs' Corrected Second Amended Complaint states as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "1".
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "2".
3. Admits the allegations set forth in paragraph "3" except denies that defendant has a business location at 120 W. 45th Street, New York, New York 10036.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "4".
5. Admits the allegations set forth in paragraph "5".
6. Admits the allegations set forth in paragraph "6".
7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "7".
8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "8".

9. Denies the allegations set forth in paragraph “9”.
10. Denies the allegations set forth in paragraph 10.
11. Denies the allegations set forth in paragraph 11.
12. Denies the allegations set forth in paragraph 12.
13. Denies the allegations set forth in paragraph 13.
14. Denies the allegations set forth in paragraph 14.
15. Denies the allegations set forth in paragraph 15 .
16. Denies the allegations set forth in paragraph “12”, except admits that Washington and Defendant entered into a license agreement on or about November 25, 2003.
17. Admits the allegations set forth in paragraph “17”.
18. Admits the allegations set forth in paragraph “18”.
19. Denies the allegations set forth in paragraph 19.
20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “20”.
21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “21”.
22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “22”.
23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “23”.
24. Denies allegations set forth in paragraph “24”.
25. Denies the allegations set forth in paragraph “25”, except admits that Exhibit “B” is true a copy of an e-mail.

26. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “26”.

27. Denies the allegations set forth in paragraph “27”.

28. Denies the allegations set forth in paragraph “28”.

29. Denies the allegations set forth in paragraph 29.

30. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “30”.

31. In response to paragraph “31”, repeats and realleges each and every response heretofore made as if more fully set forth herein.

32. Denies the allegations set forth in paragraph “32”.

33. Denies the allegations set forth in paragraph “33”.

34. Denies the allegations set forth in paragraph “34”.

35. In response to paragraph “35”, repeats and realleges each and every response as if more fully set forth herein.

36. Denies the allegations set forth in paragraph “36”.

37. Denies the allegation set forth in paragraph “37”.

FIRST AFFIRMATIVE DEFENSE

38. Any damage suffered by Plaintiffs are a result of their own actions and conduct.

SECOND AFFIRMATIVE DEFENSE

39. The amended complaint fails to state causes of action upon which relief may be granted.

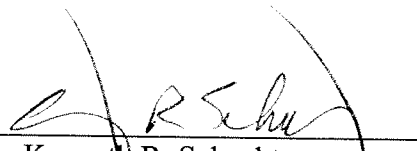
Wherefore, Defendant demands judgment dismissing the complaint together with costs and disbursements and such other further and other relief as is found just and proper.

Dated: New York, New York
July 29, 2009

Respectfully submitted,

SILLS CUMMIS & GROSS P.C.
Attorneys for Defendant

By

A handwritten signature in black ink, appearing to read 'K. R. Schachter', is written over a horizontal line.

Kenneth R. Schachter
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